IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6047 of 1991

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHINUBHAI S BHAVSAR

Versus

SANDESH PRESS LTD

Appearance:

1. Special Civil Application No. 6047 of 1991

MR DEVANG D TRIVEDI for Petitioner No. 1

MR KS NANAVATI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 19/01/2004

ORAL JUDGEMENT

Heard learned advocate Mr.Trivedi for the petitioner workman and Mr. Kunal Nanavati for Mr. K.S.

Nanavati for the respondent. In this petition, the petitioner is challenging the award made by the labour court in Reference No. 36 of 1985 dated 3rd August, 1990 wherein the reference made at the instance was rejected by the labour court.

Today, when the matter was taken up for final hearing, learned advocate Mr. Trivedi appearing for the petitioner workman has submitted that the workman Shri CHINUBHAI SAKALCHAND BHAVSAR is present before this Court.

Learned advocate Mr. Kunal Nanavati appearing for the respondent has submitted that one further affidavit in reply has been filed by the respondent Shri Falgun Chamanbhai Patel which is at page 28 of the petition dated 6th September, 1993 and in para 5 of the said reply, an offer has been made. He submitted that as per para 5 of the said reply, though the petitioner has been paid all of his legal dues including retrenchment compensation, however, on sympathetic consideration,the press is ready and willing to pay an amount of Rs.20,000.00 as ex-gratia payment provided he is withdrawing this petition. On the basis of the said offer, he submitted that the press is ready and willing to pay an amount of Rs.20,000.00 as ex-gratia payment provided he is withdrawing this petition.

Considering the offer made by the respondent as per para 5 of its additional affidavit in reply as aforesaid, learned advocate Mr.Trivedi appearing for the petitioner submits that his client namely petitioner Shri CHINUBHAI SAKALCHAND BHAVSAR is present before this Court. He submits that he has discussed the issue and has explained the situation to the petitioner and further hardships and, thereafter, the petitioner has agreed to accept the said offer made by the respondent in para 5 of its affidavit in reply. The concerned workman Shri CHINUBHAI SAKALCHAND BHAVSAR who is present before this Court was asked as to whether he is accepting the said offer made by the respondent and he consented to accept the said offer by withdrawing the petition. He, however, requested to direct the respondent to make payment of the said amount as per the offer within some stipulated period and with this prayer, he sought leave to withdraw this petition. He also prayed for directing the respondents to make payment of any other legal dues, if any, pending with the respondent. Learned advocate Mr. Trivedi has also supported the said prayer and has requested for permitting the petitioner to withdraw the petition.

Considering the submissions made by the learned advocates for the parties, leave to withdraw the petition is granted. This petition is disposed of as withdrawn. Rule is discharged. Interim relief, if any, shall stand vacated with no order as to costs.

Respondent is directed to pay Rs.20,000.00 (Rupees twenty thousand only) by an account payee cheque to the petitioner Shri CHINUBHAI SAKALCHAND BHAVSAR as per the offer made by the respondent in para 5 of its further reply as stated above within fifteen days from today. Respondent is also further directed that if any other legal dues payable to the petitioner are pending with the respondent or any further compliance from the respondent is necessary for paying legal dues of the petitioner, then, same shall have to be paid by the respondent to the petitioner and to complete the formality within one month from the date of receipt of copy of this order.

(H.K. Rathod,J.)

Vyas